

Application Serial No. 10/715,623  
Reply to Office Action of August 21, 2007

PATENT  
Docket: CU-3456

### REMARKS

In the Office Action, dated August 21, 2007, the Examiner states that Claims 1-9 are pending and Claims 1-9 are rejected. By the present Amendment, Applicant amends the claims.

In the Office Action, Claims 1-2, 4-5, 7 and 8 are rejected under 35 U.S.C. § 102 as being anticipated by Miyata (U.S. 6,052,347). Claims 3, 6 and 9 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Miyata.

The Applicant has amended Independent Claims 1, 4 and 7 to clarify that the plurality of recording speeds in the present invention are different from each other at the same radius. This is distinguishable from that disclosed in Miyata, wherein, as the Examiner has pointed out, the OPC areas 11 and 15 are provided at the respective (different) radiuses R1 and R2. As the Applicant has presented previously, in Miyata, as shown in Fig. 8., OPC areas 11 and 15 are set at radius R1 and R2, respectively, and a disk moves with constant linear velocity. The OPC areas are not WPC related areas as in the present invention. The difference between the OPC area of Miyata and the WPC of the present invention results in the plurality of the recording speeds of the present invention being different from each other at the same radius. Therefore, because the present invention is distinguishable from that claimed in Miyata, the present invention cannot be anticipated by or obvious to Miyata.

In light of the foregoing response, all the outstanding rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,



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Date

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